

Sixth Appellate District

San Jose, California

TUESDAY, OCTOBER 15, 2002

H024251 DFCS v. LISA I.

The juvenile court's order of March 13, 2002 selecting adoption as the permanent placement goal for Joseph and Jalissa is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)

Filed October 15, 2002

H022406 PEOPLE v. TREVINO

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed October 15, 2002

H023683 PEOPLE v. FLUTY

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed October 15, 2002

H022962 PEOPLE v. WHITWORTH

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed October 15, 2002

H021925 NORVIEL v. NORVIEL

We reverse the order determining the date of separation and we remand this matter to the trial court for further proceedings.

In determining the date of separation, the trial court is instructed: (1) that the parties' physical separation is a threshold prerequisite to separation; and (2) that the parties' other conduct may be considered only to the extent that it is contemporaneous with the intent to separate. Wife shall have costs on appeal. (published)

(Wunderlich, J.; I concur: Rushing, J.; dissenting opinion by: Bamattre-Manoukian, Acting P.J.)

Filed October 15, 2002

Sixth Appellate District

San Jose, California

Tuesday, October 15, 2002 (continued)

H023559 PEOPLE v. DAVID L.

The juvenile court's disposition order that reflects probation condition number 17 is modified to read as follows: Minor not to associate with any persons known by him/her to be a probationer, parolee, or gang member. For the purposes of this paragraph, the word "gang" means a "criminal street gang" as defined in Penal Code section 186.22, subdivisions (e) and (f). Except to the extent of this modification, the juvenile court's disposition order is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed October 15, 2002

WEDNESDAY, OCTOBER 16, 2002

H023310 PEOPLE v. MEYERS

By the Court*:

Appellant's petition for rehearing is denied.
Filed: October 16, 2002
*Before Premo, Acting P.J., Elia, J. and Rushing, J.

H023665 CARPONTIER v. ROBERSON

The judgment of dismissal of appellant's probate petition is reversed. Appellant to have costs on appeal. (published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)
Filed October 16, 2002

H022585 PEOPLE v. SCHULER

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 16, 2002

THURSDAY, OCTOBER 17, 2002

H023108 PEOPLE v. HARPER

The three-year enhancement for personal infliction of great bodily injury pursuant to Penal Code section 12022.7, subdivision (a) is stricken and the cause is remanded with instructions to resentence appellant in accordance with the decision herein. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed October 17, 2002

Sixth Appellate District

San Jose, California

Thursday, October 17, 2002 (continued)

H023566 PEOPLE v. MIRANDA

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed October 17, 2002

FRIDAY, OCTOBER 18, 2002

H022306 MONTGOMERY v. TOWN OF LOS GATOS

The judgment is affirmed. The Town shall recover its costs
on appeal. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed October 18, 2002

H023336 GONZALEZ v. GONZALEZ

By the Court:

The written opinion which was filed on September 27, 2002 is
certified for publication. (Wunderlich, J. and Elia, Acting
P.J.)

The written opinion which was filed on September 27, 2002
has now been certified for publication in its entirety pursuant
to rule 976(b) of the California Rules of Court, and it is
therefore ordered that it be published in the Official Reports.
Dated: October 18, 2002 Elia, Acting P.J.

H023224 PEOPLE v. CASTRO

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed October 18, 2002